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09/656,588	09/07/2000	Michael J. Duigou	5181-72300	1253

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,588

Applicant(s)

DUIGOU ET AL.

Examiner

Douglas B Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-54 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of copending Application No. 09/693,297. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the current application are broader versions of the claims of 09/693,297.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Art Unit: 2142

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 11-15, 19-27, 29-33, 37-47, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,792,605 to Roberts et al. in view of U.S. Patent Number 6,321,257 to Kotola et al..

6. As to claim 1, Roberts teaches a method of accessing a service, comprising: a client device forming a communication link with a service device (col. 8, lines 29-47); the client device directly requesting to the service device a document that describes an interface to access a service provided by the service device (col. 8, lines 29-47); the client device receiving said document directly from the service device, wherein said document comprises information describing how to access the service (col. 8, lines 29-47); wherein said requesting and said receiving are performed over said communication link (col. 8, lines 29-47); and the client device using the information from said document to access the service (col. 8, lines 29-47); however Roberts does not explicitly teach a direct point-to-point link.

Kotola teaches a method for accessing a service using a direct point-to-point link (col. 4, lines 39-52).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Roberts regarding the use of a document for accessing a service with the teachings of Kotola regarding accessing a service via a direct point-

Art Unit: 2142

to-point link because users of mobile systems commonly access information on the internet (Kotola, col. 1, line 57-col. 2, line 10).

7. As to claim 2, Roberts teaches requesting comprising the client sending an advertisement request message for the service to the service device over the communication link, wherein the advertisement request message is in a data representation language (col. 8, lines 29-47).

8. As to claim 3, Roberts teaches the data representation language is XML (col. 8, lines 29-47).

9. As to claim 4, Roberts teaches a method wherein said document comprises a service advertisement for the service, wherein said service advertisement comprises a schema specifying an interface to at least a portion of the service (col. 8, lines 29-47).

10. As to claim 5, Roberts teaches a method wherein said schema is an XML schema defining XML messages for a client on the client device to send the service and the service to send to the client in order for the client to access capabilities of the service (col. 8, lines 29-47).

11. As to claim 6, Roberts teaches a method wherein the client device using the information from said document comprises the client sending one or more of said XML messages to the service over said direct point-to-point communication link (col. 8, lines 29-47).

12. As to claim 7, Roberts teaches a method wherein said receiving comprises receiving said document in an advertisement request response message sent from the service over said direct point-to-point communication link, wherein the advertisement request response message is in a data representation language (col. 8, lines 29-47).

13. As to claim 8, Roberts teaches a method wherein the data representation language is XML (col. 8, lines 29-47).

Art Unit: 2142

14. As to claim 9, Kotola teaches a method wherein the client device in proximity to a service device for wireless communications (col. 4, lines 39-52).

15. As to claim 11, Kotola teaches a method wherein the client device is in wireless proximity of the service device (col. 4, lines 39-52).

16. As to claim 12, Roberts teaches a method wherein said requesting comprises including client security credential in a request to said service device for said document, and wherein said service device authenticates said client security credential before sending said document to the client device (col. 6, lines 13-59).

17. As to claim 13, Roberts teaches a method wherein said client device using the information from said document to access the service comprises: a client on the client device requesting a security credential from an authentication service specified in said document; the client receiving said security credential (col. 6, lines 13-59); and the client including said security credential with a subsequent to the service to access a capability of the service (col. 6, lines 13-59).

18. As to claim 14, Roberts teaches a method comprising the service verifying the client's security credential before allowing access to the capability (col. 6, lines 13-59).

19. As to claim 15, Roberts teaches a method wherein said authentication service is provided by the service device (col. 6, lines 13-59).

20. As to claims 19-33 and 39-51, they feature limitations found in claims 1-15 and are rejected for the same reasons as claims 1-15.

21. As to claim 37, it features limitations corresponding to the client in claim 1 and is therefore rejected for the same reasons as claim 1.

Art Unit: 2142

22. As to claim 38, it features limitations corresponding to the server in claim 1 and is therefore rejected for the same reasons as claim 1.

23. Claims 10, 28, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,792,605 to Roberts et al. in view of U.S. Patent Number 6,321,257 to Kotola et al. in further view of U.S. Patent Number 6,795,429 to Schuster et al..

24. As to claim 10, the Roberts-Kotola combination combines to make claim 1 obvious; however the Roberts-Kotola combination does not explicitly teach the use of a IrDA infrared link.

Schuster teaches the use of an IrDA infrared link to access a service (col. 5, lines 52-61).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Roberts-Kotola combination regarding wireless communication with the teachings of Schuster regarding IrDA links because such links are common in point-to-point communication (Schuster, col. 5, lines 52-61).

25. As to claims 28 and 48, they are rejected for the same reasons as claim 10.

26. Claims 16-18, 34-36, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,792,605 to Roberts et al. in view of U.S. Patent Number 6,321,257 to Kotola et al. in further view of U.S. Patent Number 6,405,027 to Bell.

27. As to claim 16, the Roberts-Kotola combination does not explicitly teach a client device being a bridge.

Bell teaches a client device acting as a bridge (col. 2, line 64-col. 3, line 46).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Roberts-Kotola combination regarding

Art Unit: 2142

wireless communication with the teachings of Bell regarding using wireless device as a bridge because such configurations are useful in conferencing situations (col. 1, lines 18-40).

28. As to claim 17, Bell teaches a transport connection comprising a network connection (col. 2, line 64-col. 3, line 46).

29. As to claim 18, Bell teaches a network connection comprising an internet connection (col. 2, line 64-col. 3, line 46).


30. As to claims 34-36 and 52-54, they feature limitations found in claims 16-18 and are rejected for the same reasons as claims 16-18.

Conclusion

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Application/Control Number: 09/656,588

Page 8

Art Unit: 2142

Douglas Blair

A handwritten signature in black ink, appearing to be 'DBB' with a stylized flourish at the end.